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## STATUTORY INSTRUMENTS

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# 2006 No. 168

## The Cattle Compensation (England) Order 2006

### Title, commencement and application

1.—(1) This Order may be cited as the Cattle Compensation (England) Order 2006 and shall come into force on 1st February 2006.

(2) This Order applies in England only.

### Interpretation

2. In this Order—

“affected animal” means—

- (a) in relation to brucellosis, a bovine animal which is affected with brucellosis;
- (b) in relation to tuberculosis, a cow which is affected with tuberculosis of the udder or is giving tuberculosis milk, or a bovine animal which is affected with tuberculosis emaciation, or is excreting or discharging tuberculosis material, or is affected with a chronic cough or shows any other clinical signs of tuberculosis;
- (c) in relation to enzootic bovine leukosis, a bovine animal that is affected with enzootic bovine leukosis or is infected with the bovine leukosis virus;

“average market price” means—

- (a) in respect of a non-pedigree bovine category, for any given month, a price calculated in accordance with paragraph 1 of Schedule 1;
- (b) in respect of a pedigree bovine category, for any given month, a price calculated in accordance with paragraph 2 of Schedule 1;

“bovine animal” means any domestic cattle of the genus *Bos*, buffalo or bison;

“bovine category” means a category of bovine animal of the genus *Bos* set out in the table in Part 2 of Schedule 1;

“brucellosis” means infection with *Brucella abortus*, otherwise known as contagious abortion;

“cattle passport” has the same meaning as in the Cattle Identification Regulations 1998<sup>(1)</sup>;

“market value” in relation to a bovine animal slaughtered for brucellosis, tuberculosis or enzootic bovine leukosis means the price which may reasonably have been obtained for it at the time of valuation from a purchaser in the open market if the animal was not an affected animal or a suspected animal;

“non-pedigree animal” means a bovine animal of the genus *Bos* which has not been issued with a pedigree certificate by a recognised breed society, or an animal for which, by the day of the assessment of the category into which the animal falls, the pedigree certificate has not been presented to the Secretary of State or an agent acting on her behalf;

“non-pedigree bovine category” means a bovine category consisting of non-pedigree animals;

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<sup>(1)</sup> S.I.1998/871 to which there are amendments not relevant to this Order.

“pedigree animal” means a bovine animal of the genus *Bos* in respect of which a pedigree certificate has been issued by a recognised breed society and presented to the Secretary of State or an agent acting on her behalf by the day of the assessment of the category into which the animal falls;

“pedigree bovine category” means a bovine category consisting of pedigree animals;

“reactor” means, in relation to tuberculosis or brucellosis, a bovine animal which gives rise to a reaction to a relevant test which is consistent with its being affected with tuberculosis or brucellosis.

“recognised breed society” means a breeders' organisation or association which fulfils the conditions of Council Decision [84/247/EEC](#) laying down the criteria for the recognition of breeders' organisations and associations which maintain or establish herd-books for pure-bred breeding animals of the bovine species<sup>(2)</sup>;

“relevant test” means a skin test or other diagnostic test for tuberculosis or brucellosis;

“skin test” means the single intradermal comparative cervical tuberculin test for tuberculosis;

“suspected animal” means—

- (a) in relation to brucellosis or tuberculosis, a bovine animal which is suspected of being infected with tuberculosis or brucellosis and includes a reactor; and
- (b) in relation to Enzootic Bovine Leukosis, the same as in the Enzootic Bovine Leukosis (England) Order 2000<sup>(3)</sup>; and

“tuberculosis” means infection with *Mycobacterium bovis* (*M.bovis*).

### **Compensation for bovine animals slaughtered for brucellosis, tuberculosis or enzootic bovine leukosis**

**3.—**(1) Subject to article 6, where the Secretary of State causes a bovine animal to be slaughtered under the powers conferred by section 32 of the Animal Health Act 1981 in its application to—

- (a) brucellosis,
- (b) tuberculosis, or
- (c) enzootic bovine leukosis,

compensation is payable in relation to those animals which are identified by means of eartags and a cattle passport in accordance with the requirements of the Cattle Identification Regulations 1998 and shall be determined in accordance with the following provisions of this article.

(2) The compensation payable by the Secretary of State in respect of buffalo or bison shall be at the level of its market value as ascertained under the Individual Ascertainment of Value (England) Order 2005<sup>(4)</sup>.

(3) Subject to paragraph (7), the compensation payable in respect of a bovine animal of the genus *Bos* shall be at the level of the average market price for the bovine category into which that animal falls at the relevant date.

(4) The Secretary of State shall determine the bovine category into which a bovine animal of the genus *Bos* falls at the relevant date and, for the purposes of that determination, the date of birth of that animal shall be as shown on its cattle passport and the age of the animal shall be calculated accordingly.

(5) For the purposes of this article, the relevant date means—

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(2) OJNo. L125, 12.05.1984, p.58.

(3) S.I. [2000/2056](#).

(4) S.I. [2005/3434](#).

- (a) in respect of animals slaughtered for brucellosis or enzootic bovine leukosis, the date on which a notice requiring the slaughter of the animal is served pursuant to article 19 of the Brucellosis (England) Order 2000<sup>(5)</sup> or article 12 of the Enzootic Bovine Leukosis (England) Order 2000 respectively;
  - (b) in respect of affected animals or suspected animals slaughtered for tuberculosis—
    - (i) the date on which a positive or inconclusive skin test for that animal is read;
    - (ii) where the skin test is negative, or no skin test has been carried out, the date on which a clinical sample is taken from that animal for the purposes of any other relevant test; or
    - (iii) where no other relevant test has been carried out, but the animal has been slaughtered because it has been exposed to infection as a result of contact with, or close proximity to, an affected or suspected animal, the same date as the relevant date for that affected or suspected animal.
- (6) The Secretary of State may appoint an agent to act on her behalf for the purposes of the determination referred to in paragraph (4).
- (7) In any case where, in accordance with paragraph 1(3) or paragraph 2(3) of Schedule 1, the Secretary of State considers that sales price data for any particular bovine category in any given month are inadequate, or such data are unavailable, she may opt to pay compensation at the level of the market value of the animal in question, as ascertained under the Individual Ascertainment of Value (England) Order 2005.

#### **Amendment to the Individual Ascertainment of Value (England) Order 2005**

4. In article 2 of the Individual Ascertainment of Value (England) Order 2005, for “2005” substitute “2006”.

#### **Revocation**

5. The Orders set out in Schedule 2 are revoked to the extent specified in that Schedule.

#### **Savings**

6.—(1) In relation to any bovine animal for which compensation has been calculated under the provisions of the Orders referred to in article 4 prior to 1st February 2006, that calculation shall continue to apply.

(2) The provisions of the Brucellosis and Tuberculosis (England and Wales) Compensation Order 1978<sup>(6)</sup> relating to tuberculosis shall continue to apply to any bovine animal that is slaughtered for tuberculosis—

- (a) following a notice served before 1st February 2006 under article 10 of the Tuberculosis (England and Wales) Order 1984<sup>(7)</sup>;
- (b) as a result of a positive or inconclusive skin test read before 1st February 2006; or
- (c) as a result of any other relevant test for tuberculosis, the clinical sample for which was taken before 1st February 2006.

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<sup>(5)</sup> S.I. 2000/2055.

<sup>(6)</sup> S.I. 1978/1483 as amended by S.I. 1981/1412, S.I. 1996/1352 and S.I. 1998/2073.

<sup>(7)</sup> S.I. 1984/1943, to which there are amendments not relevant to this Order.

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**Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Cattle Compensation (England) Order 2006. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

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24th January 2006

*Ben Bradshaw*  
Parliamentary Under Secretary of State  
Department of Environment, Food and Rural  
Affairs

We approve

26th January 2006

*Dave Watts*  
*Vernon Coaker*  
Two of the Lords Commissioners of Her  
Majesty's Treasury

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**Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:**

- [Order revoked by S.I. 2012/1379 art. 6\(1\)](#)